

## **SOUTH AYRSHIRE LICENSING BOARD.**

Minutes of a meeting held remotely on 10 March 2022 at 10.00 a.m.

Present: Councillors Craig Mackay (Chair), Laura Brennan-Whitefield, Andy Campbell, Douglas Campbell, Ian Fitzsimmons, William Grant, Lee Lyons, Bob Pollock and Margaret Toner.

Attending: M. Douglas, Depute Clerk to the Board; K. Briggs, Service Lead – Legal and Licensing; C. Andrew, Licensing Standards Officer; C. Buchanan, Committee Services Officer; E. Moore, Clerical Assistant and C. McCallum, Clerical Assistant.

Also Attending: Sergeant S. Syme, Police Scotland.

### **Opening Remarks**

The Chair welcomed everyone to the meeting and outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

#### **1. Declarations of Interest**

Councillor A. Campbell declared an interest in item 7(d) and 7(e) of this Minute and advised that he would leave the meeting during consideration of these items.

#### **2. Date of Next Board Meeting**

The Chair advised that the next Board meeting would be held on Tuesday, 19 April 2022 at 10.00 a.m.

#### **3. Minutes of Previous Meeting**

The Minutes of the Meeting of South Ayrshire Licensing Board of 10 February 2022 (issued) were submitted.

**Decided:** to approve the Minutes of the previous meeting.

#### **4. Update by Licensing Standards Officer**

The Licensing Standards Officer advised:

- (1) that; Over the past month there has been an increase in the number of Occasional Licences received by the Licensing Team and that many premises were indicating their intention to apply for variations to their operating plans in future. However staffing issues continue to be a challenge and the upcoming rising costs, particularly in relation to heating and power costs are of concern to the Trade who worry that an inevitable rise in price for on sales may force customers back to drinking and socialising at home.
- (2) the Scottish Grand National Festival is due to take place at Ayr Racecourse next month and the Licensing Standards Officer informed the Board that she had been involved in discussions with the Designated Premises Manager at The Racecourse and the representatives from the various agencies who will be providing staff to the licensed areas of the Racecourse. She said that, the intention of the meeting was to ensure correct training of all staff and that plans are in place to protect against any staff shortages on the day. Checks will take place on the day by selecting staff from each bar area and considering the records held for them. The Scottish

Grand National will be one of the largest capacity licensed events to be held in South Ayrshire since the Coronavirus pandemic.

- (3) finally, the Licensing Standards Officer stated that she intended to re-form the local Trade Alliance groups who meet in Girvan, Maybole, Ayr, Prestwick and Troon periodically to discuss licensing and related issues. She highlighted that, the first of these meetings has been organised to take place on Monday 21<sup>st</sup> March for members of the on-trade in Ayr Town Centre. The purpose of the meeting is to provide an update on licensing, introduce new Police personnel and update on the Covid requirements which members will be aware change on that day. The Licensing Standards Officer said that she will keep the Board updated on the progress with these groups as they will provide a good source of contact and consultation for the future.

The Board, having thanked the Licensing Standards Officer for her update,

**Decided:** to note the report.

#### 5. **Revocation of Personal Licences**

There was submitted a report (issued) of 24 February 2022 by the Clerk to the Licensing Board advising the Board of revocation of personal licences.

**Decided:** to note the terms of the report.

#### 6. **Applications for Transfers Granted Under Delegated Powers**

There was submitted a report (issued) of 24 February 2022 by the Clerk to the Licensing Board advising of the following determination of an application for the Transfer of a Licence between the last Board meeting and this Board:-

- (1) 2A Paterson Street, Ayr - transferred to Ankit Parekh on 7 February 2022;
- (2) Barr Community Shop and Café, Barr - transferred to Barr Community Shop and Café Ltd on 7 February 2022;

**Decided:** to note the transfer granted under delegated powers.

#### 7. **Licensing (Scotland) Act, 2005**

##### (a) **Application for Provisional Premises Licence**

**The Board:** continued this application at the Applicant's request

**Applicant**

Penny Petroleum (Scotland) Limited

**Premises**

Tam O Shanter  
2 Station Bridge Road  
Ayr

Retail Sale of Alcohol (Off Premises) – Every day 10:00 a.m. to 22:00 p.m.

##### (b) **Application for Variation of a Premises Licence**

The Board considered the following applications:

<b><u>Applicant</u></b>	<b><u>Premises</u></b>
(1) Aldi Stores Limited	Aldi 33 Main Street Ayr

Add to operating plan “Click and collect service and online sales/deliveries may also take place during and outwith core hours.”

Increase capacity of premises –

- The permanent capacity is increased to 32.77sq m.
- The seasonal capacity is increased to 7.2sq m.
- The overall capacity is increased to 39.97sq m.

An amendment to the seasonal capacity is also sought so that the seasonal display is in effect:

Christmas: 1 December to 31 December annually.

Easter: Seasonal display to commence a week prior to Easter Sunday (as it falls) for a duration of 21 days.

Having heard from the applicant’s representative , and the Depute Clerk to the Board, the Board;

**Decided:** to grant the above application.

(c) **Application for the Grant of an Occasional Licence**

**The Board agreed to consider the following applications together:-**

<b><u>Applicant</u></b>	<b><u>Date</u></b>	<b><u>Premises</u></b>
(1) Ms Nan Li	29 <sup>th</sup> June	Blairquhan Castle Straiton
(2) Ms Nan Li	14 <sup>th</sup> September	Blairquhan Castle Straiton
(3) Ms Nan Li	28 <sup>th</sup> September	Blairquhan Castle Straiton
(4) Ms Nan Li	2 <sup>nd</sup> November	Blairquhan Castle Straiton

Having heard from the Licensing Standards Officer, the Board granted these applications from 12noon – 01:00 each day.

**(d) Application for the Review of a Premises Licence**

Having previously declared an interest in this application, Councillor A. Campbell left the meeting at this point.

**Premises**

The Carrick  
15 Whitehall  
Maybole  
KA19 7DR

The Board considered;

- (1) a letter from the Chief Constable, Police Scotland dated 17<sup>th</sup> January 2022 (issued to members only) in terms of Section 36(3) (b) of the Act, on grounds relevant to one or more of the licensing objectives as articulated at Section 4(1) of the 2005 Act, namely, Preventing Crime and Disorder; Security Public Safety; and Preventing Public Nuisance; and requesting that the Board take such steps as it considered necessary or appropriate for the purposes of the Licensing Objectives under the terms of Section 39(2) or 39(2A) of the Act;
- (2) reports by the Licensing Standards Officer dated 24<sup>th</sup> January 2022 and 21<sup>st</sup> February 2022 and;
- (3) a report (issued) by the Clerk to the Board dated 23<sup>rd</sup> February 2022 outlining the options open to the Board on review; and

The Board then heard from Police Scotland, the Licensing Standards Officer and from the licence holder in response and the Board, following an adjournment

**Decided:**

- (1) To suspend licence with immediate effect for a minimum of two weeks or until:
  - CCTV to the satisfaction of Police Scotland was installed, and
  - Provision of a written drugs policy and clarification of the premises Challenge 25 policy.

In addition, licence to be varied so that

- no under 18s permitted on premises,
- SIA approved stewards to be on duty from 9pm on Friday and Saturday nights.
- only staff who hold an SCPLH certificate or staff who have been trained by a personal licence holder other than Mr Lothian may serve on the premises

The Board also requested increased visits to the premises by the LSO and an update report from the LSO to be presented to the August Board.

**(e) Application for the Review of a Personal Licence**

The Board reviewed the following personal licence:-

<b><u>Application Number</u></b>	<b><u>Applicant</u></b>
(1) SA/18/00152/LAPRS	Michael Benny Lothian

The Board considered;

(a) a letter from the Chief Constable, Police Scotland dated 17 January 2022 (issued to members only) in terms of Section 84A of the Licensing (Scotland) Act 2005 that Michael Benny Lothian has acted in a manner which is inconsistent with the licensing objectives articulated at Section 4(1) of Act, namely, Preventing Crime and Disorder; Securing Public Safety; Preventing Public Nuisance; Protecting and Improving Public Health and Protecting Children from Harm; and requesting that the Board take such steps as it considered necessary or appropriate for the purposes of the Licensing Objectives under the terms of Section 84(7) of the Act; and

(b) a report (issued) of 10 March 2022 by the Clerk to the Board outlining the options open to the Board on review.

The Board then heard from Police Scotland and from Mr Lothian in response and the Board, following an adjournment

**Decided:** that the grounds for review had been established and that the licence should be revoked.

Councillor A. Campbell re-joined the meeting at this point.

## 8. **Additional Agenda Items**

### (a) **Application for Variation of Premises Licence**

The Board considered the following application:

#### **Applicant**

Ultimate Leisure (Scotland) Limited

#### **Premises**

Vinyl  
1-5 Arthur Street  
Ayr

	Existing Licensed Hours		Proposed Licensing Hours	
	On Sales	Off Sales	On Sales	Off Sales
Monday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00
Tuesday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00
Wednesday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00
Thursday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00
Friday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00
Saturday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00
Sunday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00

To amend commencement hours of off sales to 10.00am Monday – Sunday (\*Different commencement time from on sales).

To include wording at Q5 as follows:

“The outside area may be used outwith core hours by patrons for the provision of coffees, teas, snacks, non-alcoholic refreshments and hot and cold food.”

To amend wording at Q5(f) as follows:

“The premises has gaming machines, pool tables and dartboards which can be used by patrons”.

The following list of activities may take place on the premises, but is not restricted to; small stakes poker/bingo nights, discos, karaoke nights, live bands, comedy nights, quiz nights, race nights, fun casino nights, theme nights, charity events, promotional events, live entertainment, dance troupes, male/female review shows, rodeo bull riding (or other attachments), psychic nights, fashion shows, celebrity guests, hypnotists and live appearances.

The external area will be used for markets, community, commercial and entertainment events.”

To amend wording at 6(b) as follows:

Children or young persons may attend a market or other event pre core hours.

To amend wording at 6(d) as follows:

Children or young persons may attend a market or other event pre core hours.

To include the external eating and drinking area in the licensed footprint, as shown on the Layout plan.

The Board then heard from the applicant’s representative and the Board;

**Decided:** following an adjournment requested that this application is continued to the next Board meeting.

Councillors A. Campbell and L. Brennan-Whitefield left the meeting at this point.

**(b) Application for Extended Hours**

**Applicant**

**Premises**

(1) Ultimate Leisure Ltd

Vinyl  
1-5 Arthur Street  
Ayr  
(2<sup>nd</sup> April 2022)

The application requests a terminal hour of 3.30am on the evening of Saturday 2nd April (extending into the morning of Sunday 3rd April) and the application refers to the Scottish National at Ayr Racecourse. The applicant has not indicated the reason for the extension however it has previously been accepted as ‘an event of local or national significance’.

Having heard from the applicant’s representative and Licensing Standards Officer, the Board granted the application.

**Applicant**

**Premises**

(2) Sprig Ltd

Furys Nightclub  
154 High Street  
Nile Court  
Ayr  
(2<sup>nd</sup> April 2022)

The application requests a terminal hour of 3.30am on the evening of Saturday 2nd April (extending into the morning of Sunday 3rd April) and the application refers to the Scottish National at Ayr Racecourse. The applicant has not indicated the reason for the extension however it has previously been accepted as ‘an event of local or national significance’.

Having heard from the applicant’s representative and Licensing Standards Officer, the Board granted the application.

**Applicant**

(2) Sprig Ltd

**Premises**

Furys Nightclub  
154 High Street  
Nile Court  
Ayr  
(17<sup>th</sup> April 2022)

The application requests a terminal hour of 3.30am on the evening of Sunday 17<sup>th</sup> April (extending into the morning of Monday 18<sup>th</sup> April) and the application refers to an 'Easter Sunday Bank Holiday'.

Having heard from the applicant's representative and Licensing Standards Officer, the Board granted the application.

**Applicant**

(4) Ultimate Leisure Ltd

**Premises**

Vinyl  
1-5 Arthur Street  
Ayr  
(17<sup>th</sup> April 2022)

The application requests a terminal hour of 3.30am on the evening of Sunday 17<sup>th</sup> April (extending into the morning of Monday 18<sup>th</sup> April) and the application refers to an 'Easter Sunday Bank Holiday'.

Having heard from the applicant's representative and Licensing Standards Officer, the Board granted the application.

**9. Closing Remarks.**

The Chair thanked everyone in attendance and concluded the meeting.

The meeting ended at 13:30 p.m.